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Attorney for Plaintiff

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

JESSE T. POSTON,

Plaintiff,

v.

TRANSWORLD SYSTEMS, INC.,

Defendant.

Case No. 3:20-cv-08477

COMPLAINT FOR DAMAGES

**1. VIOLATION OF THE FAIR DEBT
COLLECTION PRACTICES ACT, 15 U.S.C.
§1692 ET SEQ.**

DEMAND FOR JURY TRIAL

COMPLAINT

NOW comes JESSE T. POSTON (“Plaintiff”), by and through the undersigned attorney,
complaining as to the conduct of TRANSWORLD SYSTEMS, INC. (“Defendant”), as follows:

NATURE OF THE ACTION

1. Plaintiff brings this action for damages pursuant to the Fair Debt Collection Practices Act
 (“FDCPA”) under 15 U.S.C. §1692 *et seq.* for Defendant’s unlawful conduct.

JURISDICTION AND VENUE

1 10. In approximately the beginning of 2020, Plaintiff began receiving calls from Defendant to
2 his cellular phone, (478) XXX-3013, in order to collect upon the subject consumer debt.

3 11. Defendant has primarily used the phone number (855) 245-7098 when placing calls to
4 Plaintiff's cellular phones. Upon belief, Defendant has used additional phone numbers as well.

5 12. In approximately March 2020, the parties came to an agreement that Plaintiff would make
6 a payment in the approximate amount of \$98.00 in connection with the subject debt.

7 13. In connection with that payment, Plaintiff was charged a processing/collection fee.

8 14. Feeling upset and frustrated by the nature of the processing/collection fee, Plaintiff rebuffed
9 Defendant's further efforts to collect the subject consumer debt, further demanding that Defendant
10 cease calling his cellular phone regarding the subject consumer debt.

11 15. Despite Plaintiff's demands that Defendant cease contacting his cellular phone, Defendant
12 nevertheless continued contacting Plaintiff's cellular phone seeking collection of the subject
13 consumer debt.

14 16. Defendant has routinely contacted Plaintiff's cellular phone multiple times on the same day,
15 despite his demands that the phone calls cease.

16 17. Plaintiff has received dozens of phone calls from Defendant since demanding that it stop
17 contacting him, including multiple calls per day and calls on a persistent and daily basis.

18 18. Frustrated over Defendant's conduct, Plaintiff spoke with the undersigned attorney
19 regarding his rights, resulting in the loss of time and expenditure of resources.

20 19. Plaintiff has been unfairly and unnecessarily harassed by Defendant's actions.

21 20. Plaintiff has suffered concrete harm as a result of Defendant's actions, including but not
22 limited to: invasion of privacy, aggravation that accompanies collection telephone calls, emotional
23 distress, increased risk of personal injury resulting from the distraction caused by the never-ending
24 calls, increased usage of his telephone services, loss of cellular phone capacity, diminished cellular
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1 phone functionality, decreased battery life on his cellular phone, and diminished space for data
2 storage on his cellular phone

3 **COUNT I – VIOLATIONS OF THE FAIR DEBT COLLECTION PRACTICES ACT**

4 21. Plaintiff repeats and alleges paragraphs 1 through 20 as though fully set forth herein.

5 22. Plaintiff is a “consumer” as defined by 15 U.S.C. §1692a(3) of the FDCPA.

6 23. Defendant is a “debt collector” as defined by §1692a(6) of the FDCPA, because it regularly
7 uses the mail and/or the telephone to collect, or attempt to collect, delinquent consumer accounts.
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9 24. Defendant is engaged in the business of collecting or attempting to collect, directly or
10 indirectly, defaulted debts owed or due or asserted to be owed or due to others.

11 25. The subject consumer debt is a “debt” as defined by FDCPA §1692a(5) as it arises out of a
12 transaction due or asserted to be owed or due to another for personal, family, or household purposes.
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14 **a. Violations of FDCPA §§ 1692d**

15 26. The FDCPA, pursuant to 15 U.S.C. §1692d, prohibits a debt collector from engaging “in
16 any conduct the natural consequence of which is to harass, oppress, or abuse any person in
17 connection with the collection of a debt.” §1692d(5) further prohibits, “causing a telephone to ring
18 or engaging any person in telephone conversation repeatedly or continuously with intent to annoy,
19 abuse, or harass any person at the called number.”
20

21 27. Defendant violated §§ 1692d and d(5) through its communication efforts directed towards
22 Plaintiff. By contacting Plaintiff repeatedly, especially after Plaintiff demanded that the phone calls
23 stop, Defendant engaged in conduct which had the natural consequence of harassing, oppressing,
24 and abusing Plaintiff. Defendant placed these calls intending to harass Plaintiff into submission,
25 rather than in a legitimate attempt to reach a debtor for payment. Defendant had more than enough
26 information to know that its phone call campaign was harassing and abusive to Plaintiff, yet
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continued in its efforts to harass Plaintiff into succumbing to its collection efforts, in violation of the FDCPA.

b. Violations of FDCPA § 1692f

28. The FDCPA, pursuant to 15 U.S.C. §1692f, prohibits a debt collector from using “unfair or unconscionable means to collect or attempt to collect any debt.”

29. Defendant violated §1692f when it placed repeated calls to Plaintiff. It was unfair for Defendant to, in violation of the FDCPA, place multiple calls to Plaintiff with the intent that would place undue pressure on Plaintiff to engage with Defendant. Defendant’s unconscionable behavior is further demonstrated by the fact that Defendant’s calls to Plaintiff came after Plaintiff had demanded that Defendant stop contacting him. Rather than deal with Plaintiff and his revocation of consent to be called, Defendant then went about harassing and abusing Plaintiff in an unfair and unconscionable attempt to reach Plaintiff.

WHEREFORE, Plaintiff JESSE T. POSTON respectfully requests that this Honorable Court enter judgment in his favor as follows:

- a. Declaring that the practices complained of herein are unlawful and violate the aforementioned bodies of law;
- b. Awarding Plaintiff statutory damages of \$1,000.00 as provided under 15 U.S.C. §1692k(a)(2)(A);
- c. Awarding Plaintiff costs and reasonable attorney fees as provided under 15 U.S.C. §1692k(a)(3);
- d. Enjoining Defendant from further contacting Plaintiff; and
- e. Awarding any other relief as this Honorable Court deems just and appropriate.

Dated: December 1, 2020

Respectfully submitted,

s/ Alejandro E. Figueroa
Alejandro E. Figueroa, Esq.
California Bar No. 332132

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